

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

GLEN PAYTON

PETITIONER

V.

NO. 1:20-CV-00098-SA-RP

JOSH DAVIS

RESPONDENT

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter comes before the Court, *sua sponte*, for consideration of the filing of Petitioner Glen Payton, which has been docketed as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Doc. #1. Upon due consideration, and after careful review of the instant filing, it is clear that Payton mistakenly sent his *State* motion for post-conviction collateral relief to this court, in addition to his identical submission sent to the Mississippi Supreme Court. As the instant filing is a *state* filing seeking relief which can only be granted by a Mississippi *state* court, it is not properly before this Court. Accordingly, the Court finds that the instant action is hereby **DISMISSED without prejudice**.

SO ORDERED, this the 12th day of June, 2020.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE